

In-District Special Education Permissive Tuition Fund Levy



Senate Bill 191 – Legislative Session 2013

Historical Perspective





Tuition Laws

Montana Code Annotated (MCA)

- 20-5-320 – Attendance with discretionary approval
 - ✓ Parent choice
 - ✓ District to district (special programs)
- 20-5-321 – Attendance with mandatory approval
 - ✓ Location (closer to school/more than 3 miles from resident district/no transportation)
 - ✓ Geography (determined by county transportation committee)
 - ✓ High school attendance (sibling attends HS – younger siblings may attend EL)
 - ✓ State-paid tuition (foster and group home)
- 20-5-322 – Residency determination – notification - - appeal for attendance agreement
 - ✓ Residency determined by 1-1-215, MCA
- 20-5-323 – Tuition and transportation rates
- 20-5-324 – Tuition report and payment provisions
 - ✓ Distinction between FPI4 and FPI5 payments
 - ✓ SB 191 added to Section 5

Tuition Laws

Administrative Rules of Montana (ARM)

- 10.10.301 Calculating Tuition Rates
- 10.10.301B Out-of-District Attendance Agreements
- 10.10.301D Tuition Reports
 - ✓ Submit reports by June 30 of the year following the student's year of attendance
- 10.16.3818 Special Education Tuition Rates
 - ✓ Options A, B and C
- 10.20.106 Students Placed in Education Programs
 - ✓ Differentiation between contractor and tuition
 - ✓ No ANB for day-treatment or youth detention



Tuition Fund Basics

What can the tuition fund pay for?

- Tuition for resident students placed in private, non-sectarian day treatment programs
- Tuition for resident students placed in county or regional detention facilities
- Tuition for resident students attending another public school at the expense of the resident district
- *The cost of a free and appropriate education for resident students with an IEP*

The first three payments are for students attending out of district – the fourth is for educating students in district.

20-5-324 (5), MCA



Establishing a Tuition Fund

- The tuition fund is a budgeted fund – requires a budget to be adopted.
- The tuition fund must be established by the board of trustees.

20-3-324 (13), MCA





Tuition Policy

Why is a tuition policy important?

- Identify which students may attend from out of district (discretionary and mandatory)
 - ✓ Parent request
 - ✓ District to district
 - ✓ State paid tuition
- Set tuition rates
 - ✓ May set different rates for different entities

Establishing a Base



FP 14/14A

Tuition forms for out of district attendance

- FP 14 (Student Attendance Agreement Form) – To be completed for ALL parent, district to district and state paid tuition claims
- FP 14A (Special Tuition Rates) – To be completed for students with disabilities or for students in high cost programs
 - ✓ Option A – based on the hours of service in a student's IEP (15 minimum)
 - ✓ Option B – based on cost of services for a student with an IEP
 - ✓ Option C – based on specialized program (requires OPI approval)
- Cannot charge parents Special Tuition Rates

LATER than June 30 in the year following attendance.

SECTION I: TO BE COMPLETED BY PARENT/GUARDIAN -OR- OFFICIAL OF STATE AGENCY/COURT

I request that the following student be allowed to attend in a school district outside the student's District of Residence.

Student Name (Last, First, M.I.)		Grade (for year of attendance) _____
State ID: _____	Birth Date (18 year olds are residents) Mo _____ Day _____ Year _____	If Kinder (circle one) K Half or K Full
Student Address _____		City/State/Zip Code _____
District of Residence (Where parent resides--see 1-1-215, MCA)	What school district should be contacted for student records?	
District of Choice/Placement	Date Attendance will Begin: _____	Scheduled Number of Pupil Instruction Days: _____
Individual Making Request: <input type="checkbox"/> Parent/Guardian <input type="checkbox"/> Court <input type="checkbox"/> State Agency	Student Placement: <input type="checkbox"/> Foster Home Placement <input type="checkbox"/> Group Home Placement <input type="checkbox"/> District to District	
Name of Parent/Guardian -OR- Name and Title of Official of State Agency/Court Responsible for Placement: (print)		Telephone Number _____
Representing (Name and Address of State Agency/Court, if State Agency/Court request)		
Parent Request This agreement will be returned to the parent/guardian after approval/disapproval and will specify the costs, if any, which will be charged to the parent/guardian for attendance. If the student attends under this agreement, the parent/guardian agrees to pay the costs, if any, charged to him or her under the terms of this agreement. Signature of Parent/Guardian: _____ Date: _____		
State Agency/Court Request Signature of Official of State Agency/Court: _____ Date: _____		

SECTION IV: AGREEMENTS AND SIGNATURES

A. DISTRICT OF CHOICE/PLACEMENT – *This signature is required for both discretionary and mandatory agreements.*

The Board of Trustees:

☐ DISAPPROVES ☐ APPROVES this application subject to receipt of transportation/tuition charges stated on the application.

Print Name of Chairperson, Board of Trustees: _____

Signature of Chairperson, District of Choice/Placement: _____ Date: _____

B. DISTRICT OF RESIDENCE – *This signature or acknowledgement is required for both discretionary and mandatory agreements*
DISCRETIONARY:

The Board of Trustees:

☐ DOES NOT PERMIT ☐ PERMITS the District of Choice/Placement to claim this student as an "ELIGIBLE TRANSPORTEE" for purposes of state and county transportation reimbursement.

☐ DISAPPROVES ☐ APPROVES this application allowing the student to enroll outside the District of Residence (*choose one below*)

☐ District agrees to pay the costs of over-schedule transportation costs stated in Section II and tuition stated in Section III; OR

☐ District has no obligation to pay tuition as stated in Section III above

MANDATORY:

The Board of Trustees:

☐ ACKNOWLEDGES this application, allowing the student to enroll outside the District of Residence, and agrees to pay tuition stated in Section III (if applicable – MCA 20-5-324 (5)(a)) and over-schedule transportation costs stated in Section II, if any.

Print Name of Chairperson, Board of Trustees: _____

Signature of Chairperson, District of Residence: _____ Date: _____

C. SUPERINTENDENT OF PUBLIC INSTRUCTION - *This signature is required if the State of Montana will be charged for any costs of tuition or transportation.*

MANDATORY ONLY:

The Superintendent of Public Instruction:

☐ ACKNOWLEDGES this application and agrees to pay tuition stated in Section III, if any, and any over-schedule transportation costs stated in Section II, if any, subject to the state laws and administrative rules, on behalf of the State of Montana.

Print Name of OPI Representative: _____

Signature of OPI Representative: _____ Date: _____

PART II: REGULAR EDUCATION TUITION RATE					
		Elementary		High School	
(4)	Maximum Regular Ed Tuition Rate [See Note *] [enter annual rate]	(4a)		(4b)	
(5)	District's Regular Ed Tuition Rate [See Note **] [enter annual rate]	(5a)		(5b)	
PART III: SPECIAL ED "ADD-ON" RATE (Choose Option A or B)					
OPTION A - At Least Half-Time Special Ed Services [See Note***] (Don't use >30 hours per week)					
(6)	Pre-K or 1/2 Time Kindergarten, 7.5-15 hrs/wk on IEP [(hrs per wk / 15) X (4a)]	(6)			
(7)	Grades FTK-8, 15-30 hrs/wk on IEP [(hrs per wk / 30) X (4a)]	(7)			
(8)	Grades 7-8 (accredited), 15-30 hrs/wk on IEP [(hrs per wk / 30) X (4b)]			(8)	
(9)	Grades 9-12, 15-30 hrs/wk on IEP [(hrs per wk / 30) X (4b)]			(9)	
(10)	OPTION A - Total "Special Rate" Enter (sum of (6) through (9)) here and on FP-14, Section III	(10a)		(10b)	
OPTION B - Actual Costs of Unique Special Ed Services (Can be used when actual costs of services unique to this student exceed Option A)					
Estimated Costs (Annual) [See Note ****]		Explanation of Details		Cost	
(11)	Staff Salary (usually one-on-one)		(11)		
(12)	Staff Insurance and Workers' Comp.		(12)		
(13)	Support Services Salaries		(13)		
(14)	Support Services Insurance and Workers' Comp.		(14)		
(15)	Special Assistive Technology/Equip		(15)		
(16)	Special Supplies		(16)		
(17)	Transportation Aide's Salary/Insurance and Workers' Comp. [NOTE: Include on FP-14, Section II]		(17)		
(18)	Other (explain)		(18)		
(19)	Total Actual Costs (Annual) [Sum (11) through (18)]	(19)			
(20)	Less: 80% of Per-Student Entitlement under MCA 20-9-306 (1/2 for KH)	(20)			
(21)	Less: Special Ed Block Grants per ANB for Year of Attendance				
	Instructional Block Grant (1/2 for KH)	(21a)			
	Related Services Block Grant (if not in special ed cooperative) (1/2 for KH)	(21b)			
	Total Block Grants [(21a) + (21b)]	(21)			
(22)	OPTION B - Total Annual "Special Rate" [(19)-(20)-(21)] Enter here and on FP-14, Section III	(22)			

FP 15

- Students attending school at an out-of-state public school
- Students enrolled in day treatment programs under the provisions of an IEP at district expense
- Calculate the amount of ANB the district would have been eligible for
- Reimburse the district for the state portion of the per ANB entitlement

FP 15

Calculation #1

A student in grade 8 is a resident student in District A
Student enrolled in the district August 28, 2013-September 27, 2013.

Student transfers to day treatment September 30, 2013-December 22, 2013.

Student returns to the district January 6, 2014 and remains enrolled the rest of the year.

The district does not receive ANB for the Fall and Winter counts. The bill for the day treatment program is \$4,500.

$\$6,555 \text{ (max ANB)} / 3 \text{ count dates} = \$2,185$

State portion = $\text{ANB} * 44.7\%$ $\$2,185 * .447 = \976.70

Lesser of \$4,500 (cost) and **\$976.70** (ANB reimbursement)

FP 15

Calculation #2

A student in grade 8 is a resident student in District A
Student was enrolled in the district August 28, 2013-
December 22, 2013.

Student transfers to day treatment January 6, 2014-
January 17, 2014.

Student returned to District B January 21, 2014 and
remained enrolled the rest of the year.

Tuition for the day treatment program is \$5,000

The district received ANB for the Fall and Winter
counts, but was not eligible to receive ANB for the
Spring count.

NO REIMBURSEMENT – Student was not
enrolled in day treatment on a count date.

I. MONTANA STUDENTS ATTENDING OUT-OF-STATE -- TUITION CASES ONLY

List all students residing in your district who attended an out-of-state school in the most recent completed school year and the amount of tuition your district is required to pay. (20-5-324(3)) Paid to Tuition Fund.

(A) Student Name	(B) Grade	(C) State and District Of Attendance	(D) Year of Attendance	(E) Tuition Amount Paid By Your District (Attach Invoice from District of Attendance)	For Office Use Only

II. MONTANA STUDENTS ATTENDING DAY TREATMENT PROGRAMS

List all resident students attending day-treatment programs under approved Individualized Education Programs (IEPs) at private, non-sectarian schools in the most recent completed school year and the amount of tuition your district is required to pay. (20-5-324 (3)). Paid to Tuition Fund.

(A) Student Name	(B) Grade	(C) Name and Location of Private Day- Treatment Program	(D) Year of Attendance	(E) Tuition Amount Paid By Your District (Attach Invoice from Private Day-Treatment Program)	For Office Use Only

County Detention Facilities

- Students sent to county detention facilities may NOT be counted for ANB (ARM 10.20.106 (5)(b)).
- The county will send a bill to the student's resident district by June 30th of each year.
 - \$20 per day for each youth detained over 9 consecutive days
 - May use the tuition fund to pay charges
 - Must be paid by July 15th

41-5-1807, MCA

Westward Expansion



SB 191

Allows districts to use the permissive tuition levy to raise funds to support the cost of a free and appropriate education for in-district students with a disability.

- A portion of the cost is financed through the tuition fund and the remainder is financed through any other budgeted fund in the district.

Calculation

Actual cost of service under the IEP **minus** (the student's state SPED payment **plus** the student's federal SPED payment **plus** the student's per-ANB amount **plus** the prorated portion of the basic entitlement **plus** prorated general fund payments 327 to 330)

What's Included in the Cost?

- All costs necessary to provide a free and appropriate public education for a student with an IEP
 - ✓ Administration (salary and benefits)
 - ✓ Classroom teachers (salary and benefits)
 - ✓ Para-professionals (salary and benefits)
 - ✓ Related services (salary and benefits or cost of service)
 - ✓ Supplies (purchase or maintenance costs)
 - ✓ Etc.
- ***Must be actual, per-student cost***

What's Not Included in the Cost?

- Contributions to retirement – either Teachers' Retirement System (TRS) or Public Employees' Retirement System (PERS)
- Unemployment compensation
- Social Security and Medicare contributions

Why Not?

These costs are *fully funded* by the Retirement Fund (14) – costs associated with this calculation are only partially funded by the permissive levy

- Costs paid by the coop (or any other entity)

Selecting Students

Which students are good candidates for this calculation?

- ✓ Students with high cost special needs
- ✓ Students currently sent to other districts because of their high cost special needs

The calculation subtracts out monies already received for regular and special education services. Students without high need are unlikely to generate a levy amount.

- ✓ Speech only
- ✓ Students receiving most of their support in the regular classroom

What Students are Excluded?

- Pre-K students are not covered by the terms of the calculation (PK students are not included in the district's ANB calculation – which is the basis of the calculation)
- Students attending under any type of attendance agreement (must be a resident pupil)

Calculation Options

Two options for calculating the levy:

1. Year of enrollment – estimate actual cost
 - If costs do not materialize reduce the levy the following year
 - If actual cost is higher than estimated cost levy the additional amount in the following year
2. Year after enrollment – recoup actual cost
 - For FY 15 levy actual cost incurred in FY 14
 - May use an interfund loan to pay for expenses incurred in the current year

Maintenance of Effort

- Special education expenditures (280) from the Tuition Fund will be included in the Maintenance of Effort (MOE) calculation
- Districts should avoid increasing expenditures in this fund – meant to be a transfer from General Fund to Tuition Fund or from Tuition Fund to Tuition Fund (out-of- district to in-district)

Calculator

- Available on the OPI webpage
 - ✓ Budgets/Budgeting Spreadsheets & Worksheets
 - ✓ Tuition & Attendance
- Enter LE number
- Enter total cost into appropriate LE level and grade (blue boxes)
- Total levy amount calculates in green boxes at the bottom
- Keep a separate tab for each student

Expend the levy amount from tuition and the remainder from any other budgeted fund (General, Impact Aid, etc).

	A	B	C	D	E	F	G	H	I	J	K
1	IN-DISTRICT SPECIAL EDUCATION PERMISSIVE LEVY CALCULATOR										
2	Districts with structure changes should contact the OPI to ensure accuracy of calculations										
3			Enter LE		LE Name		Use this calculator to identify the amount that may be levied from the district's Tuition fund (13). Districts have the option of levying either the estimated cost in the year of enrollment or the actual cost in the year following enrollment. If estimated costs are not realized the district must reduce their levy in the subsequent year. Expenditures from the Tuition and Transportation funds will count toward the district's Maintenance of Effort (MOE) calculation.				
4	Elem LE:										
5	HS LE:										
6	K12 LE:										
7	*Districts with an approved and accredited junior high school, 7th and 8th grade program or middle school calculate the tuition levy using the high school ANB rate										
9	** Unaccredited 7 -8 programs										
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	Elementary		High School		K-12	
	2014	2015	2014	2015	2014	2015
Student's Total SPED Costs K-6 or K-8**						
Student's Total SPED Costs 7-8*						
Student's Total SPED Costs 9-12						
a. SPED Allowable Cost Payment	-	-	-	-	-	-
Current Year ANB	-	-	-	-	-	-
b. Federal Allocation	-	-	-	-	-	-
AIM October Enrollment	-	-	-	-	-	-
c. Per Student Entitlement	5,120	5,226	6,555	6,691	5,120	5,226
	6,555	6,691			6,555	6,691
d. Basic Entitlement E	-	-			-	-
Basic Entitlement M	-	-			-	-
Basic Entitlement H			-	-	-	-
Budget Limit ANB E	-	-			-	-
Budget Limit ANB M	-	-			-	-
Budget Limit ANB H					-	-
e. 5 Funding Components					-	-
Budget Limit ANB	-	-	-	-	-	-
Total Amount to Levy						

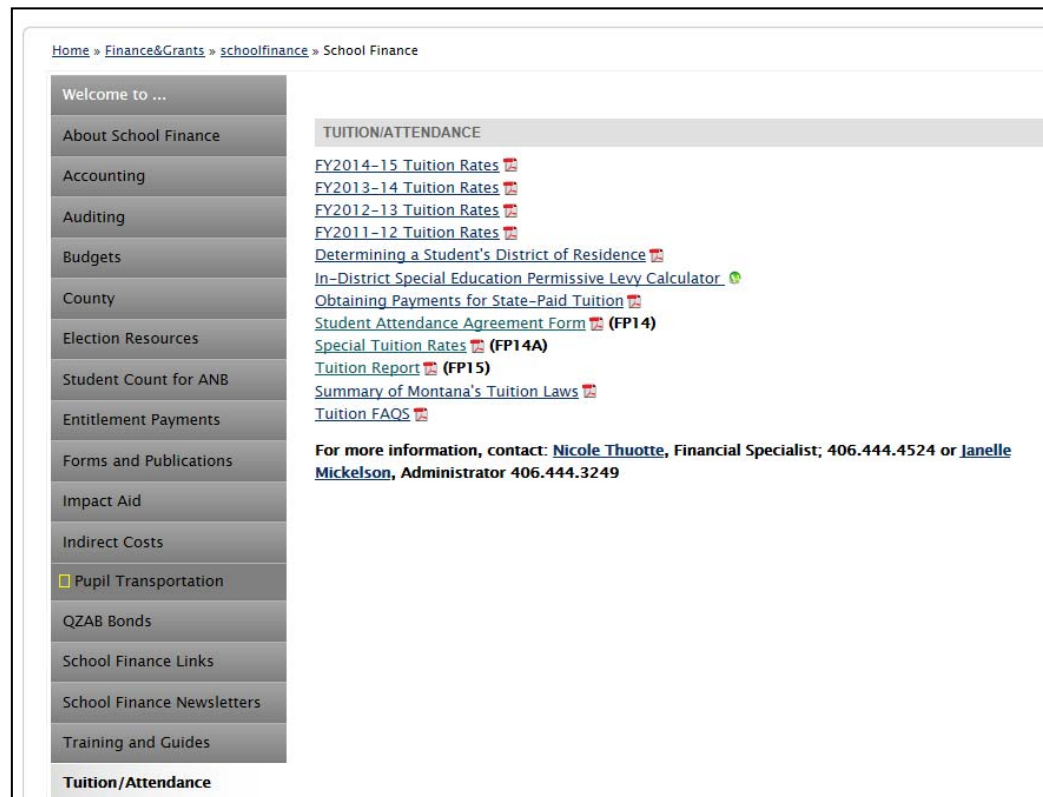
Levy Amounts

- Levy amounts vary by LE and grade level
- Example – Frenchtown HS, student with actual costs of \$35,000
 - Elementary student – grade 3: Levy amount = \$28,712.33
 - Middle School student – grade 7: Levy amount = \$26,960.33
 - High School student – grade 10: Levy amount = \$27,157.86

Why? Differences in ANB, Special Education payments, funding components and basic entitlement.

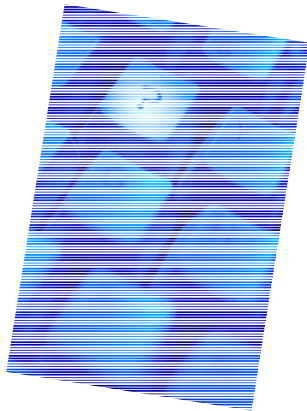
Resources

The OPI School Finance Webpage





Questions?



Contact

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Questions regarding Tuition, Impact Aid and School Elections